

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
INJURY LITIGATION

:
: No. 12-md-2323-AB
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: MDL No. 2323
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THIS DOCUMENT RELATES TO
ALL ACTIONS

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RIDDELL DEFENDANTS' MOTION TO SEVER

Defendants Riddell, Inc.; All American Sports Corporation; Riddell Sports Group, Inc.; Easton-Bell Sports, Inc.; Easton-Bell Sports, LLC; EB Sports Corp.; and RBG Holdings Corp. (collectively, the "Riddell Defendants")¹ move this Court to sever Plaintiffs' claims pursuant to Rules 20 and 21 of the Federal Rules of Civil Procedure on the following grounds:

1. In dozens of consolidated actions within this multidistrict litigation, Plaintiffs have joined multiple—and mostly dozens of— individual product liability claims against the Riddell Defendants, despite the fact that these Plaintiffs allege different injuries as a result of wearing different model helmets while playing for different teams, in different cities, under different circumstances, at different times—sometimes decades apart—over a span of more than 60 years.
2. Rule 20, as well as prior decisions of this and other Courts, bar the joinder of such factually and legally disparate, as well as highly individualized product liability claims.

¹ Reference to the "Riddell Defendants" is for convenience only, with no implication or concession that they are properly joined or named as Defendants. The "Riddell Defendants" reserve the right to move to dismiss some or all of them.

3. As held in those decisions, such product liability plaintiffs must plead their claims individually, by separate actions, properly setting forth the alleged bases for their individual product liability claims.

For these reasons, as explained in more detail in the Riddell Defendants' accompanying brief, the Riddell Defendants respectfully request that this Court grant this motion and order that Plaintiffs' misjoined claims against the Riddell Defendants be severed and dropped, as appropriate, with an instruction that those Plaintiffs who wish to continue to pursue claims against the Riddell Defendants must each file separate, individual actions.

The Riddell Defendants request oral argument on this Motion.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that on August 30, 2012, the foregoing Riddell Defendants' Motion to Sever, the brief in support thereof, and the associated attachments were electronically filed and served via ECF on all counsel of record registered to receive service via the Court's CM/ECF system.

/s/ Paul G. Cereghini_____